



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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July 28, 2010

Mr. Shawn M. Garvin
Regional Administrator
U.S. EPA Region 3
1650 Arch Street (3PM52)
Philadelphia, PA 19103-2029

Dear Mr. Garvin:

This letter is to notify EPA of the Commonwealth of Virginia's intentions regarding adoption of EPA's Greenhouse Gas Tailoring Rule (June 3, 2010, 75 FR 31514), which raises the permitting thresholds for greenhouse gases (GHGs) from 100/250 tons per year (tpy) to 100,000 tpy for new Prevention of Significant Deterioration (PSD) sources and federal operating permit (Title V) sources, and 75,000 tpy for modifications. In order for these GHG permitting thresholds to become effective in Virginia, they must be incorporated into the Virginia State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution. Without making this revision to Virginia's regulations, GHGs would otherwise be regulated by default under Virginia's current PSD and Title V programs with permit applicability/major source thresholds of 100/250 tpy.

Virginia intends to incorporate the Greenhouse Gas Tailoring Rule by means of a process under the Virginia Administrative Process Act (§ 2.2-4006A4c) which allows a regulation to become effective on a faster timeline than the state's normal regulatory process. Since Virginia will adopt the Tailoring Rule as written, it is anticipated that this expedited process is available pending approval by the Office of the Attorney General. DEQ anticipates presenting the regulation to the State Air Pollution Control Board for promulgation at its September 2010 meeting. Assuming the regulation is adopted by the Board, it would become final and effective prior to January 2, 2011.

If you have any questions or comments, please contact Michael Dowd at 804-698-4284 or at michael.dowd@deq.virginia.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "David K. Paylor", written over a horizontal line.

David K. Paylor